

PARTIAL TERMINATION OF RESTRICTIVE COVENANT
FOR ZONING CASE: C14-75-042 (RCT2)

OWNER: 3 S and D Interests, a Texas general partnership

OWNER ADDRESS: 1904 Freight, Laredo, Texas 78041-5674

CITY: The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.

CITY COUNCIL: The City Council of the City of Austin.

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

WHEREAS, 62.101 Ltd., a Texas limited partnership, entered into that certain Restrictive Covenant, consisting of approximately 43.07 acres of land ("Original Property"), dated as of July 17, 1975, and recorded in the Real Property Records of Travis County, Texas, on August 6, 1975, in Volume 5240, Page 876, and first amended to release 11.28 acres on February 10, 2015, and recorded on February 20, 2015, as Document No. 201502764 (the "Restrictive Covenant"), as part of City of Austin Zoning Case No. C14-75-042; and,

WHEREAS, the Texas Transportation Commission purchased 8.25 acres from 3 S and D Interests on October 13, 2004, in a Special Warranty Deed recorded in the Real Property Records of Travis County, Texas, as Document No. 2004232132; and,

WHEREAS, the Restrictive Covenant encumbers real property, a portion of which is an more particularly described Exhibits "A", and "B" ("Released Property") incorporated into this Partial Termination of Restrictive Covenant (the "Partial Termination"); and,

WHEREAS, the Restrictive Covenant provides that the covenant can be modified, amended, or terminated by joint action of both a majority of the members of the City Council and the Owner of the Property at the time of such modification, amendment or termination; and,

WHEREAS, 3 S and D Interests, a Texas general partnership, as sole and current owners of the Released Property (the "Owner"), now desire to release the Released Property from the Restrictive Covenant; and,

WHEREAS, the City Council and the Owner agree the Restrictive Covenant should be terminated as to the Released Property;

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreements hereinafter set forth, the City of Austin and the Owner agree as follows:

1. The Restrictive Covenant is amended to release the Released Property from any and all obligations and restrictions contained in the Restrictive Termination.
2. This document is intended to release the Released Property only and in no way modifies or replaces the Restrictive Covenant, amendments, and restatements as they relate to the remainder of the Original Property.
3. Except as expressly provided for in this Partial Termination of Restrictive Covenant, each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall continue in full force and effect on and after the effective date of this Partial Release.
4. The City Manager, or his designee, shall execute on behalf of the City, this Partial Termination as authorized by the City Council of the City of Austin. The Partial Termination shall be filed in the Official Public Records of Travis County, Texas.

EXECUTED this the 19TH day of APRIL, 2018.

OWNER:

3 S and D Interests, a Texas general partnership

By: _____

David Kalisz, Attorney in Fact

CITY OF AUSTIN:

By: _____

Joe Pantalione
Interim Assistant City Manager
City of Austin

APPROVED AS TO FORM:

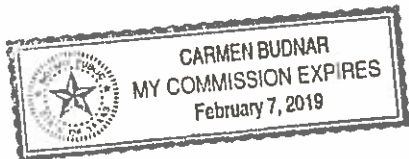
Assistant City Attorney
City of Austin

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 19th day of April, 2018, by David Kalisz, Attorney in Fact for 3 S and D Interests, a Texas general partnership on behalf of the partnership.



Carmen Budnar

Notary Public, State of Texas

THE STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the _____ day of _____, 2018, by Joe Pantalio, as Interim Assistant City Manager of the City of Austin, a municipal corporation, on behalf of said municipal corporation.

Notary Public, State of Texas

EXHIBIT "A"FIELD NOTES

JOB NO. 13379-00

DATE: JANUARY 2, 2018

PAGE 1 OF 5 Field Notes to accompany exhibit.

22.86 ACRES

EXHIBIT _____

22.86 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY NO. 29, ABSTRACT No. 22 IN TRAVIS COUNTY TEXAS, AND BEING A PORTION OF THOSE TRACTS AS DESCRIBED IN A SPECIAL WARRANTY DEED TO HAROLD K. KAEMERLE, JR. AND SHARIE KAEMERLE, RECORDED AS DOC. No. 2014175485 OF THE OFFICIAL PUBLIC RECORDS, AND IN A GENERAL WARRANTY DEED TO 3 S AND D INTERESTS, RECORDED IN VOL. 12603, PG. 243 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS,
as surveyed on the ground on this, the 18th day of December, 2017, by Texas Land Surveying, Inc., and further described by metes and bounds as follows:

BEGINNING: at a 1/2" iron rod with plastic cap stamped "TLS INC" set in the east Right of Way of U.S. Highway 183 (aka Ed Blustein Blvd.), also being the east line of that tract described in a Special Warranty Deed to the State of Texas, recorded as Doc. No. 2004232132 of said Official Public Records, also being in the south line of that tract described in that Special Warranty Deed to Hassan Rahimi, recorded in Vol. 12514, Pg. 2928 of said Real Property Records, in the north line of said 3 S and D Interests tract, for the northwest corner of this tract;

THENCE: S 61°56'44" E 401.98 feet with the south line of said Rahimi tract and the north line of said 3 S and D Interests tract to a 1/2" iron rod with pink cap stamped "TLS INC." set , for an exterior "ell" corner in the north line of this tract,

THENCE: into and across said 3 S and D Interests tract the following six (6) courses:

1. along a curve to the left ($\Delta=65^{\circ}25'51''$, $r=85.97'$, $LC=S29^{\circ}34'58''E\ 92.93'$), an arc length of 98.18 feet to a 1/2" iron rod with pink cap stamped "TLS INC." set in the north line of this tract,
2. S 62°08'05" E 290.04 feet to a 1/2" iron rod with pink cap stamped "TLS INC." set for the northeast corner of this tract,
3. S 27°37'18" W 148.92 feet to a 1/2" iron rod with pink cap stamped "TLS INC." set in the east line of this tract,
4. along a curve to the left ($\Delta=41^{\circ}46'01''$, $r=300.11'$, $LC=S06^{\circ}44'18''W\ 213.96'$), an arc length of 218.77 feet to a 1/2" iron rod with pink cap stamped "TLS INC." set in the east line of this tract,
5. S 14°09'42" E 92.13 feet to a 1/2" iron rod with pink cap stamped "TLS INC." set in the east line of this tract,
6. along a curve to the right ($\Delta=40^{\circ}28'48''$, $r=370.00'$, $LC=N87^{\circ}44'06''E\ 256.00'$), an arc length of 261.41 feet to a 1/2" iron rod with pink cap stamped "TLS INC." set in the center line of a creek as surveyed in the east line of this tract,

THENCE: into and across said 3 S and D Interests tract with the center line of said creek for the east line of this tract the following nine (9) courses:

1. S 01°29'43" E 25.64 feet to a calculated point,
2. S 47°31'11" W 96.44 feet to a calculated point,
3. S 11°44'56" W 88.13 feet to a calculated point,
4. S 22°11'40" W 117.96 feet to a calculated point,
5. S 17°13'14" W 121.57 feet to a calculated point,
6. S 44°35'18" W 124.22 feet to a calculated point,

Exhibit A

EXHIBIT "A"

FIELD NOTES

JOB NO. 13379-00

DATE: JANUARY 2, 2018

PAGE 2 OF 5 Field Notes to accompany exhibit.

7. S 15°03'39" E 157.93 feet to a calculated point,
8. S 29°59'13" W 134.79 feet to a calculated point,
9. S 09°54'35" E 165.12 feet to a calculated point;

THENCE: into and across said 3 S and D Interests tract the following three (3) courses:

1. leaving the center line of said creek S 49°59'38" E 215.69 feet to a calculated point,
2. S 37°41'43" E 40.70 feet to a 1/2" iron rod with pink cap stamped "TLS INC." set,
3. S 49°03'23" W 46.96 feet to a calculated point in the center line of said creek,

THENCE: into and across said 3 S and D Interests tract with the center line of said creek for the east line of this tract the following thirteen (13) courses:

1. S 41°59'47" E 66.75 feet to a to a calculated point,
2. S 18°39'36" E 109.85 feet to a calculated point,
3. S 26°52'49" E 102.08 feet to a calculated point,
4. S 57°28'40" E 54.90 feet to a calculated point,
5. S 07°18'20" E 32.69 feet to a calculated point,
6. S 07°18'20" E 70.08 feet to a calculated point,
7. S 01°01'50" E 78.35 feet to a calculated point,
8. S 08°52'46" W 24.70 feet to a calculated point,
9. N 86°58'27" W 20.25 feet to a calculated point,
10. S 74°38'15" W 11.39 feet to a calculated point,
11. S 00°20'03" E 11.41 feet to a calculated point,
12. S 05°49'18" E 26.04 feet to a calculated point,
13. S 03°18'46" W 117.05 feet to a 60D nail found in the west line of that tract described in that Deed of Gift of Land to the City of Austin, recorded in Vol. 7882, Pg. 977 of the Deed Records of Travis County, Texas;

THENCE: S 28°13'58" W 196.11 feet to a 1/2" iron rod with plastic cap stamped "TLS INC" set in the north Right of Way of Loyola Lane, and being the north line of that tract described in a Street Deed to the City of Austin, recorded in Vol. 12434, Pg. 527 of said Real Property Records, for the southeast corner of this tract;

THENCE: S 77°51'46" W 273.11 feet with the north line of the Right of Way of said Loyola Lane, to a concrete monument with a 3" brass disc found, for an angle point in the south line of this tract;

THENCE: with the east line of said State of Texas tract the following four (4) courses:

1. S 83°58'46" W 72.99 feet to a concrete monument with a 3" brass disc found in the south line of this tract,
2. N 70°27'35" W 55.89 feet to a concrete monument with a 3" brass disc found in the east Right of Way line of said U.S. Highway 183, for the southwest corner of this tract,

EXHIBIT "A"

FIELD NOTES

JOB NO. 13379-00

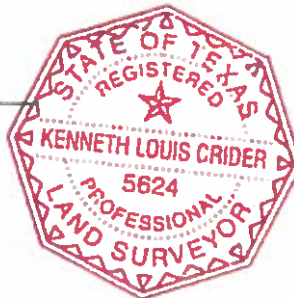
DATE: JANUARY 2, 2018

PAGE 3 OF 5 Field Notes to accompany exhibit.

3. with the east Right of Way line of said U.S. Highway 183 along a curve to the left ($\Delta=18^{\circ}10'18''$, $r=7051.75'$, $LC=N05^{\circ}03'04''W$ 2227.15'), at an arc length of 1418.17 feet passing a TxDot right of way marker (3" brass disc in concrete) found, at an additional arc length of 427.91 feet passing a 1/2" iron rod with an aluminum cap stamped "TxDoT" found, at an additional arc length of 109.41 feet passing a 1/2" iron rod with an aluminum cap stamped "TxDoT" found, at an additional arc length of 281.07 feet for an overall arc length of 2236.51 feet to a TxDot right of way marker (3" brass disc in concrete) found at the end of said curve in the west line of this tract,
4. N $19^{\circ}28'27''$ W continuing with the east Right of Way line of said U.S. Highway 183, passing at 191.33 feet a TxDot right of way marker (3" brass disc in concrete) found, passing at an additional distance of 203.76 feet a TxDot right of way marker (3" brass disc in concrete) found, continuing an additional 229.84 feet for a total distance of 624.93 feet to the POINT OF BEGINNING and containing a computed area of 22.86 acres, more or less.

Bearings cited herein based on: Texas State Plane Coordinate System, Grid North, Central Zone, Texas NAD 83(93). This survey may be in violation of State of Texas Local Government Code, Chapter 232, County Regulations of Subdivisions. Texas Land Surveying, Inc. assumes NO liability of any kind for the misuse (illegal use) of this survey.

 3-22-18
Kenneth Louis Crider, R.P.L.S. No. 5624
Texas Land Surveying, Inc.
3613 Williams Drive, Suite 903
Georgetown, Texas 78628



Texas Land Surveying, Inc.

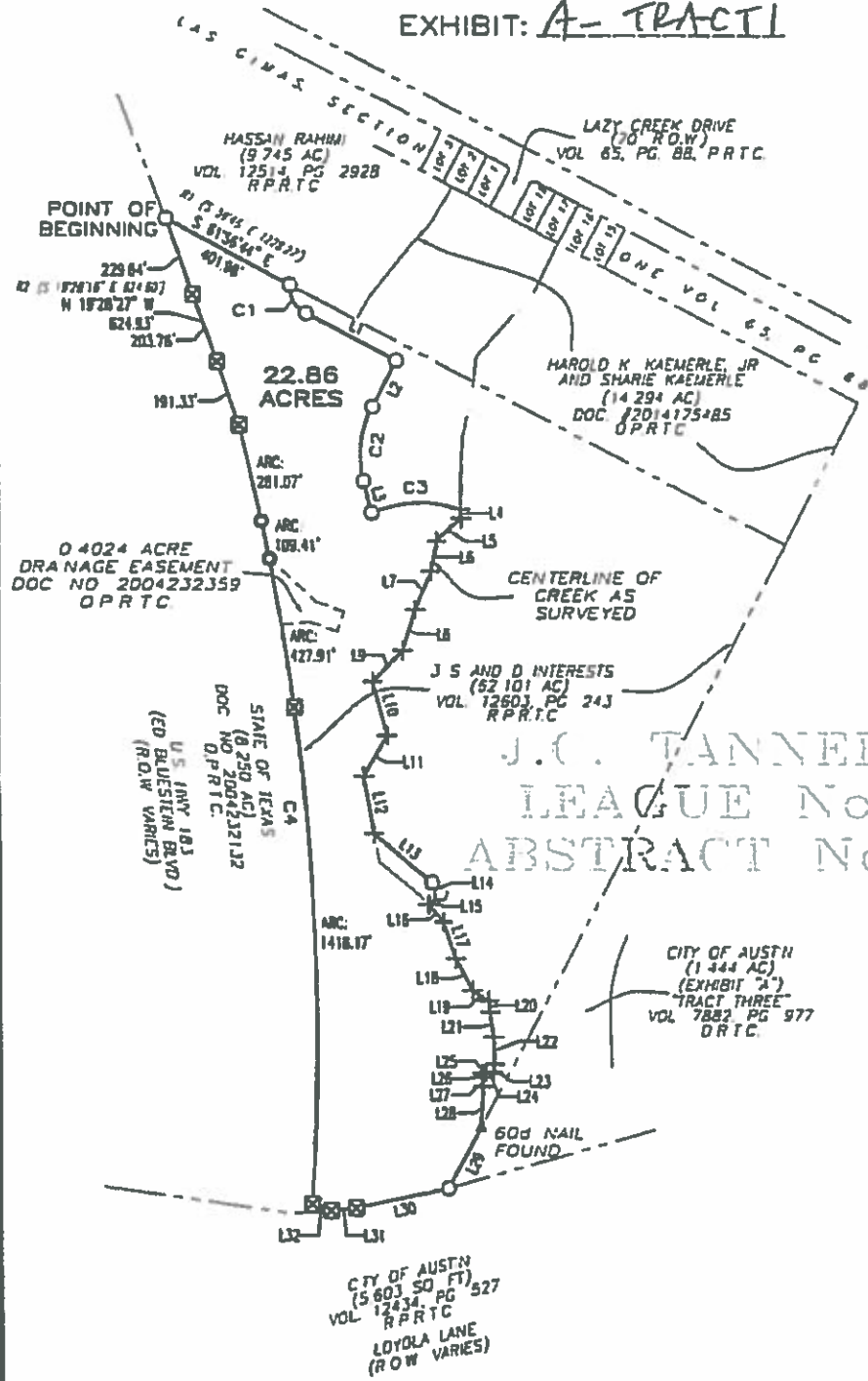
-A Land Surveying and Geoscience Firm-
3613 Williams Drive, Suite 903 - Georgetown, Texas 78628
(512) 930-1600 / (512) 930-9389 fax www.texas-ls.com
TBPLS FIRM No. 10056200 GEOSCIENCE FIRM No. 50538

C-1-75-042607(2)

AN EXHIBIT TO ACCOMPANY FIELD NOTES FOR:
22.86 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY # 29, ABSTRACT No. 22 IN TRAVIS
COUNTY TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN VOL. 12603, PG. 243 OF THE
REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

JOB NO: 13379
DRAWN: JRB
F.C.: CC
SHEET 4 OF 5

EXHIBIT: A-TRACT 1



Scale: 1" = 500'
BEARINGS CITED HEREON BASED ON
STATE PLANE COORDINATES, GRID NORTH,
CENTRAL ZONE, TEXAS NAD 83 (93).

LEGEND	
●	1/2" IRON ROD FOUND WITH NO CAP (UNLESS OTHERWISE NOTED)
○	1/2" IRON ROD SET W/PLASTIC CAP STAMPED "T.L.S. INC."
⊖	1.00d MON. 3" BRASS DISC IN CONC
⊙	1/2" IRON ROD FOUND w/ ALUM. CAP "T&D"
+	CALCULATED POINT
()	RECORD INFORMATION



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-A Land Surveying and Geoscience Firm-
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TBPLS FIRM NO.10056200 GEOSCIENCE FIRM NO.50538

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C-75-042 (Page 8 of 12)

AN EXHIBIT TO ACCOMPANY FIELD NOTES FOR:

22.86 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY # 29, ABSTRACT No. 22 IN TRAVIS COUNTY TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN VOL. 12603, PG. 243 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

JOB NO: 13379

DRAWN: JRB

F.C.: CC

SHEET 5 OF 5

EXHIBIT: A - TRACT 1

RECORD INFORMATION TABLE:

R1: VOL. 12603, PG. 243

R2: DOC. #2004232132

CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	65°25'51"	85.97'	98.18'	92.93'	S 29°34'58" E
C2	41°48'01"	300.11'	218.77'	213.96'	S 05°44'18" W
C3	40°28'48"	370.00'	261.41'	256.00'	N 87°44'06" E
C4	18°10'18"	7051.75'	2236.51'	2227.15'	N 05°03'04" W

RECORD CURVE TABLE					
NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
R2 C4	16°10'29"	7051.75'	2236.87'	2227.51'	N 05°02'56" W

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L1	S 62°08'05" E	290.04'
L2	S 27°37'18" W	148.92'
L3	S 14°09'42" E	92.13'
L4	S 01°29'43" E	25.64'
L5	S 47°31'11" W	96.44'
L6	S 11°44'56" W	88.13'
L7	S 22°11'40" W	117.96'
L8	S 17°13'14" W	121.57'
L9	S 44°35'18" W	124.22'
L10	S 15°03'39" E	157.93'
L11	S 29°59'13" W	134.79'
L12	S 09°54'35" E	165.12'
L13	S 49°58'38" E	215.69'
L14	S 37°41'43" E	40.70'
L15	S 49°03'23" W	46.96'
L16	S 41°59'47" E	66.75'

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L17	S 18°39'36" E	109.85'
L18	S 26°52'49" E	102.08'
L19	S 57°28'40" E	54.90'
L20	S 07°18'20" E	32.69'
L21	S 07°18'20" E	70.08'
L22	S 01°01'50" E	78.35'
L23	S 08°52'46" W	24.70'
L24	N 86°58'27" W	20.25'
L25	S 74°38'15" W	11.39'
L26	S 00°20'03" E	11.41'
L27	S 05°49'18" E	26.04'
L28	S 03°18'46" W	117.05'
L29	S 28°13'58" W	196.11'
L30	S 77°51'46" W	273.11'
L31	S 83°58'48" W	72.99'
L32	N 70°27'35" W	55.89'

RECORD LINE TABLE		
NUMBER	DIRECTION	DISTANCE
R1: L29	S 30°40'00" W	1102.90'
R1: L30	S 80°20'00" W	264.91'

Texas Land Surveying, Inc.

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TBPLS FIRM NO.10056200 GEOSCIENCE FIRM NO.50538

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EXHIBIT B

FIELD NOTES

JOB NO. 13379-00

DATE: DECEMBER 29, 2017

PAGE 1 OF 2 Field Notes to accompany exhibit

0.39 ACRES

EXHIBIT B-TRACT 2

0.39 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY # 29, ABSTRACT No. 22 IN TRAVIS COUNTY TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO 3 S AND D INTERESTS, RECORDED IN VOL. 12803, PG. 243 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

As surveyed on the ground on this, the 18th day of December, 2017, by Texas Land Surveying, Inc., and further described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with no cap found, marking the southwest corner of that tract described in that Special Warranty Deed to Harold K. Kaemerle, Jr. and Sharie Kaemerle, recorded in Document No. 2014175485, Official Public Records of Travis County, Texas, and southeast corner of that tract described in that Special Warranty Deed to Hassan Rahimi, recorded in Vol. 12514, Pg. 2928 of said Real Property Records, for the angle point in the north line of this tract;

THENCE: S 62°23'37" E, 155.12 feet with the south line of said Kaemerle tract, and with the north line of said 3 S and D Interests tract, to a 1/2" iron rod with pink cap stamped "T.L.S." set, for the northeast corner of this tract;


THENCE: S 27°37'18" W, 50.00 feet into and across said 3 S and D Interests tract, to a 1/2" iron rod with pink cap stamped "T.L.S." set, for the southeast corner of this tract;

THENCE: N 62°08'05" W, 290.04 feet into and across said 3 S and D Interests tract, to a 1/2" iron rod with pink cap stamped "T.L.S." set, marking the beginning of a curve to the right, for the angle point in the south line of this tract;

THENCE: 98.18 feet along a curve to the right, (r= 85.97, lc= N 29°34'58" W, 92.93 feet), to a 1/2" iron rod with pink cap stamped "T.L.S." set, in the south line of said Rahimi tract, for the northwest corner of this tract;

THENCE: S 61°56'44" E, 213.04 feet with the south line of said Rahimi tract, to the point of beginning;

Bearings cited herein based on: Texas State Plane Coordinate System, Grid North, Central Zone, Texas NAD 83(93). This survey may be in violation of State of Texas Local Government Code, Chapter 232, County Regulations of Subdivisions. Texas Land Surveying, Inc. assumes NO liability of any kind for the misuse (illegal use) of this survey.


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(512) 930-1600 www.texas-land-surveying.com
TBPLS FIRM No. 10056200

Exhibit B

AN EXHIBIT TO ACCOMPANY FIELD NOTES FOR:

0.39 ACRES OUT OF THE J.C. TANNEHILL LEAGUE SURVEY # 29, ABSTRACT No. 22 IN TRAVIS COUNTY TEXAS, AND BEING A PORTION OF THAT TRACT DESCRIBED IN VOL. 12603, PG. 243 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.

JOB NO: 13379

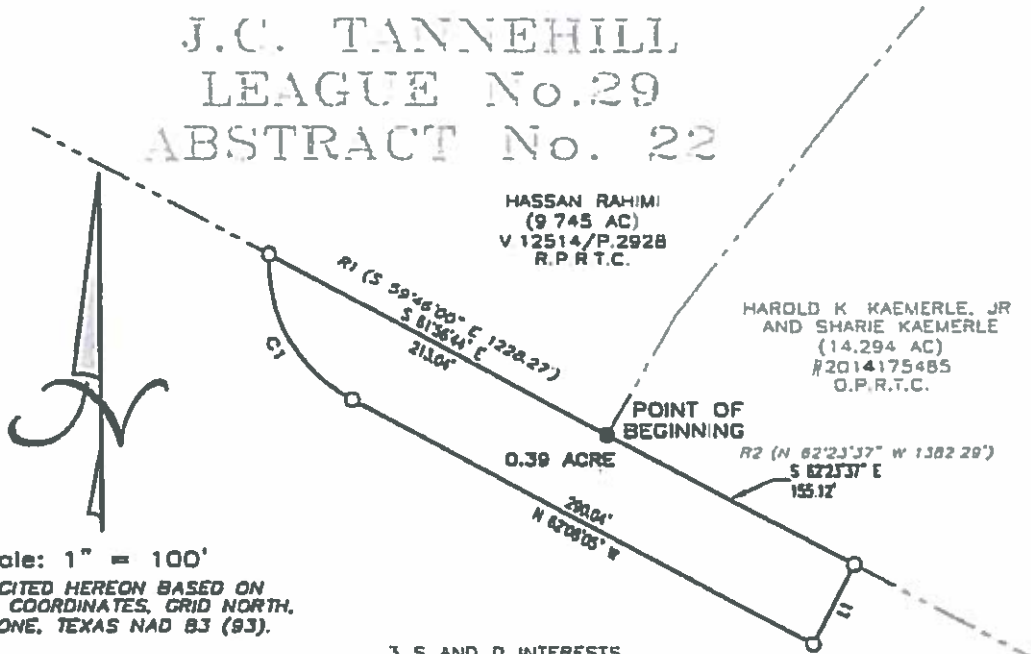
DRAWN: JRB/RCG

F.C.: CC

SHEET 2 OF 2

EXHIBIT: B-TRACT2

J.C. TANNEHILL LEAGUE No.29 ABSTRACT No. 22



Scale: 1" = 100'

BEARINGS CITED HEREON BASED ON
STATE PLANE COORDINATES, GRID NORTH,
CENTRAL ZONE, TEXAS NAD 83 (93).

LEGEND

●	1/2" IRON ROD FOUND WITH NO CAP (UNLESS OTHERWISE NOTED)
○	1/2" IRON ROD SET W/PLASTIC CAP STAMPED "TLS INC"
()	RECORD INFORMATION

3 S AND D INTERESTS
(62.101 AC)
V 12603/P 243
R.P.R.T.C.

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 27°37'18" W	50.00'

CURVE TABLE

NUMBER	DELTA	RADIUS	ARC	CHORD	DIRECTION
C1	65°25'51"	85.97'	98.18'	92.93'	N 29°34'58" W

RECORD INFORMATION TABLE:

R1: VOL. 12514, PG. 2928

R2: DOC. #2004232132



Witness my hand and seal this the
18th Day of DECEMBER, 2017 A.D.

S:\2017 PROJECTS\13379 PURPLE SAGE TRACT 4- 14 ACRES\13379_2017_WRK\13379 TRACT 7_0.39 ac.dwg Jan 03, 2018 - 12:38 pm rjaylor

Texas Land Surveying, Inc.

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City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: C. Curtis, Paralegal